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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,520	11/28/2001	David W. Boyd	10003816 -1	5054

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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DOAN, DUYN MY

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/997,520

Applicant(s)

BOYD, DAVID W.

Examiner

Duyen M Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**Detail Action**

Claims 1-8 and 10-20 are considered. Claim 9 has been canceled.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al (us pat 6408278).

As regarding claim 1, Carney et al disclosed a method for distributing and presenting preferred data from a host server to a display device located at a predetermined remote premise, comprising: identifying a user preference (col.8, line 47-65, figure 9); providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server (col.8, line 47-65, figure 9); selecting preferred data responsive to the transferred user preference (col.8, line 47-65); providing a second communication session via a communication link between the host server and a remotely located display device; wherein the second communication session transfers the preferred data and a display

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control parameter (col.3, line 55-67, figure 1); **to the display device and transfers an indication of one or more operational conditions of the display device to the host server** (col.4, lines 41-53); and placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter (col.3, line 55-67, figure 1)

As regarding claim 2, Carney et al disclosed wherein the step of identifying a user preference comprises the selection of a digital image (col.3, line 67, col.4, line 1-3).

As regarding claim 3, Carney et al disclosed wherein the step of identifying a user preference comprises the selection of a presentation duration (col.7, line 36-39).

As regarding claim 4, Carney et al disclosed wherein the step of identifying a user preference comprises information reflective of the location of the remote premise (col.5, line 18-24).

As regarding 5, Carney et al disclosed wherein the step of identifying a user preference comprises estimating the number of visitors that may enter observe a periodic display of a plurality of digital images (col.5, line 43-56).

As regarding claim 6, Carney et al disclosed wherein the step of identifying a user preference comprises selecting a presentation sequence when a plurality of digital images are designated for presentation (col.9, line 1-21).

As regarding claim 7, Carney et al disclosed wherein the step of identifying a user preference comprises selecting an input indicative of a period over which the remote display device operates in a presentation mode (figure 9, item 66, 38).

As regarding claim 8, Carney et al disclosed wherein the step of providing a first communication session further results in the transfer of a display device identifier from the user to the host server (col.7, line 64-67, col.8, line 20-25).

As regarding claim 10, Carney et al disclosed wherein the digital image comprises a public service message (col.5, line 25-26).

As regarding claim 11, Carney et al disclosed wherein the digital image comprises a message that describes a service (col.1, line 67, col.7, line 15-18).

As regarding claim 12, Carney et al disclosed wherein the digital image comprises a message that describes a product (col.6, line 35-45,col.7, line 15-18).

As regarding claim 13, Carney et al disclosed generating a periodic statement reflective of the duration of presentation of the digital image (col.9, line 17-21).

As regarding claim 14, Carney et al disclosed wherein the user preference comprises the association of a preferred time slot for the presentation of each of the plurality of digital images (figure 9, item 66, 68).

As regarding claim 15, Carney et al disclosed initiating a communication session from the remote display device to the host server after execution of the presentation mode (figure 1, communication 23).

As regarding claim 16, Carney et al disclosed wherein the periodic statement is reflective of a cumulative presentation time for a digital image at a user agreed digital image presentation rate (col.9, line 8-21).

As regarding claim 17, Carney et al disclosed means for collecting a plurality of digital images (col.8, line 47-53, col.9, line 1-4); means for indexing the plurality of

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digital images (figure 9); means for recording information reflective of a particular customer (figure 1, database 18); means for providing a mechanism for the particular customer to communicate an image preference (figure 9); means for selecting a digital image responsive to the image preference (col.8, line 53-67, col.9, line 1-4); and means for communicating the digital image to a display device at a remote location (col.8, line 47-53), wherein the display device is configured to enter a presentation mode (col.9, line 1-7). **Means for the display device to transfer information regarding the display device** (col.4, lines 41-53).

As regarding claim 18, Carney et al disclosed further comprising: means for the particular customer to transfer a digital image to the collecting means (figure.1, database 18b).

As regarding claim 19, Carney et al disclosed means for the particular customer to request a digital image for presentation at a pre-determined location for a pre-determined time (figure 9).

As regarding claim 20, Carney et al disclosed means for billing the particular customer in accordance with the elapsed presentation time of the digital image wherein a bill is issued over a periodic interval **after actual presentation of the digital image** (col.9, line 17-21, col.3, line 67, col.4, line 1-3).

### ***Response to Arguments***

Applicant's arguments filed on March 23, 2005 have been fully considered but they are not persuasive.

With regard to claim 1, the applicant argues, at various paragraphs on pages 8-9 of the Amendment, that Carney does not teach that the communication session "transfers an indication of one or more operational conditions of the display device to the host server"

Examiner disagrees.

In lines 41-53, column 4, Carney indicates that his system includes network management tools and agents, including HP Openview, Tivoli NetView, or Microsoft System Management Server (SMS). Using SNMP, they facilitate "transfer operational conditions" of network elements, including "display device" (see item 23 in Fig. 1) in Carney; the "display device" corresponds to the "client computer," which includes both network responsive computing element as well as a monitor.

Communication sessions with the client computers "transfer indications of one or more operational conditions" of the "display device" (client computer, item 23 in Fig. 1) via SNMP to the server, which would be installed with HP Openview, Tivoli NetView, and/or Microsoft System Management Server (SMS).

With reference to claim 17, the above response to the applicant's arguments for claim 1 also applies to claim 17.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571 272 3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143

DD



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